

Our Docket No.: 03532P002

#15/10 (A2)
J. Thompson
6-11-02**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3763****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:**

Hai Bui

Examiner: Michael M. Thompson

Application No.: 09/316,851

Art Group: 3763

Filed: May 21, 1999

For: Constant Ocular Pressure Active
Infusion System*Please
enter
6/20/01
MM***AMENDMENT AND RESPONSE TO THE OFFICE ACTION**Assistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

In response to the outstanding Final Office Action, mailed March 15, 2002, please amend the above-identified Application as follows:

IN THE CLAIMS

Following is a complete set of claims as amended with this Response. This complete set of claims includes newly amended claim 41.

1. (Thrice Amended) An irrigation system for a medical device, comprising:
2. an irrigation reservoir;
3. an irrigation line coupled to said irrigation reservoir;

003543.P002

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WWS/crr

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
3200 PARK CENTER DRIVE, SUITE 750
COSTA MESA, CA 92626

FACSIMILE: (714) 557-3800

FACSIMILE COVER SHEET

FAX RECEIVED

JUN 07 2002

Deliver to: Michael M. ThompsonArt Group: 3763 GROUP 3700Company Name: USPTOFacsimile No.: 703-872-9303Date: June 7, 2002From: William W. Schaal, Reg. No. 39,018Our Docket No.: 3543P002Number of pages 27 including this sheet.Application: 09/316,851Filing Date: 5/21/1999

Subject

Remarks Attached for filing please find the Amendment and Response to the Final Office Action dated March 15, 2002.

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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| | | | |
|---|-----------------------------------|------------------------------------|-----------------------|
| Application No.: <u>09/165,859</u> | Filing Date: <u>05/21/01</u> | BSTZ Docket #: <u>0103543.P002</u> | Am/Sec: <u>Wright</u> |
| Date Mailed: <u>06/07/02</u> | Doctet Due Date#: <u>06/15/02</u> | From: <u>Editor</u> | |
| Title: <u>Constant Circum Pressure Active Infusion System</u> | | | |

Inventor(s): Bui

The following has been received in the U.S. Patent & Trademark Office on the date stamped herein:

- Amendment: After Final (22 pg(s)) Information Disclosure Statement & PTOR(s) (pg(s))
- Appeal Brief & two copies (pg(s)) Issue Fee Transmittal (original & copy)
- Application: (pages w/ cover & abstract) Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
- Assignment & Cover Sheet (pg(s)) Notice of Appeal
- Certificate of Facsimile Petition for: —
- Continued Prosecution Application (CPA) Request for Continued Examination (RCE)
- Declaration & POA (pg(s)) Reply Brief (pg(s))
- Drawings: — sheets, — figures Request to Revise Previous Nonpublication Request
- Express Mail No.: — Response to Notice of Missing Parts & Formalities Letter
- Extension of Time: — Terminal Disclaimer
- Fee Transmittal (original & copy) Transmitter of Formal Drawings
- Other _____ Transmittal of Publication Fee Due
- _____ Transmittal Letter
- _____ Check No. in the Amount of _____
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CM

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

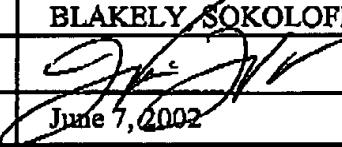
(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|---------------------|
| | | Application No. | 09/316,851 |
| | | Filing Date | May 21, 1999 |
| | | First Named Inventor | Hai Bui |
| | | Group Art Unit | 3763 |
| | | Examiner Name | Michael M. Thompson |
| Total Number of Pages in This Submission | 25 | Attorney Docket Number | 3543P002 |

ENCLOSURES (check all that apply)

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

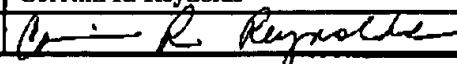
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------------|---|
| Firm or Individual name | William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature |  |
| Date | June 7, 2002 |

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile under 37 CFR §1.8 on:

June 7, 2002

| | |
|-----------------------|---|
| Typed or printed name | Corriann R. Reynolds |
| Signature |  |
| Date | June 7, 2002 |

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT **(\\$)**

| <i>Complete if Known</i> | |
|--------------------------|---------------------|
| Application Number | 09/316,851 |
| Filing Date | May 21, 1999 |
| First Named Inventor | Hai Bui |
| Examiner Name | Michael M. Thompson |
| Group/Art Unit | 3763 |
| Attorney Docket No. | 3543P002 |

METHOD OF PAYMENT (check one)

Check Credit card Money Order Other None
 Deposit Account

Deposit
Account
Number 02-2666

Deposit
Account
Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

Charge fees(s) indicated below Credit any overpayments

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Charge fee(s) indicated below, except for the filing fee to the above-mentioned deposit account:

FEES CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | | | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or cash | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,620 | 147 | 2,620 | Filing a request for ex parte reexamination | |
| 112 | 820* | 112 | 820* | Requesting publication of SIR prior to Examiner action | |
| 110 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 118 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 480 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 480 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(a) | |
| 128 | 180 | 128 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 248 | 370 | Filing a submission after final rejection (37 CFR § 1.128(p)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.128(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 189 | 900 | 199 | 900 | Request for expedited examination of a design application | |

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| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| SUBMITTED BY | | Complete (if applicable) | | | |
| Name (Print/Type) | William W. Schaal | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 06/07/02 |

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